

Message Text

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PAGE 01 MANILA 13457 040950Z
ACTION EA-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-02 INR-10
L-03 NSAE-00 NSC-05 PA-02 SP-02 SS-15 ICA-20
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R 040855Z AUG 78
FM AMEMBASSY MANILA
TO SECSTATE WASHDC 9623
INFO AMEMBASSY BANGKOK
CINCPAC HONOLULU HI
AMEMBASSY JAKARTA
AMEMBASSY KUALA LUMPUR
LUKOQS/AMEMBASSY SINGAPORE 5400

UNCLAS MANILA 13457

CINCPAC FOR POLAD

E.O. 11652: N/A
TAGS: PINT, SHUM, RP
SUBJECT: MARCOS ANNOUNCES NEW DECREE ON SUCCESSION

1. SUMMARY: PRESIDENT/PRIME MINISTER MARCOS ANNOUNCED DURING THE NEW INTERIM LEGISLATURE'S FIRST "QUESTION PERIOD" THAT HE HAS SIGNED A NEW DECREE ON SUCCESSION IN THE EVENT OF HIS DEATH OR INCAPACITY. THE LEGISLATURE'S SPEAKER, QUERUBE MAKALINTAL, WILL TEMPORARILY SUCCEED HIM AS (CEREMONIAL) PRESIDENT, AND A STILL-UNDESIGNATED DEPUTY PRIME MINISTER WILL TEMPORARILY BECOME PRIME MINISTER. THE NEW PRESIDENT MUST "IMMEDIATELY" CONVENE THE IBP TO SELECT NEW PERMANENT SUCCESSORS. MARCOS ALSO SAID THAT ONLY HE OR HIS SUCCESSOR PRIME MINISTER COULD LIFT MARTIAL LAW. HE NOTED THAT MRS. MARCOS HAD NEVER BEEN NAMED TO THE CARETAKER CABINET COMMITTEE UNDER PREVIOUS SUCCESSION DECREES. END SUMMARY.

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 MANILA 13457 040950Z

2. PRESIDENT/PRIME MINISTER MARCOS USED THE FIRST PARLIAMENTARY QUESTION PERIOD OF THE NEW INTERIM LEGISLATURE (IBP) AUGUST 3 TO ANNOUNCE A NEW PRESIDENTIAL DECREE ON SUCCESSION, WHICH HE SAID HE SIGNED JUNE 11, THE DAY BEFORE THE IBP WAS FIRST CONVENED. UNDER THE NEW DECREE, THE IBP SPEAKER WILL TAKE OVER AS CEREMONIAL PRESIDENT AND THE SENIOR DEPUTY PRIME MINISTER WILL ACT AS PRIME

MINISTER IN THE EVENT MARCOS DIES OR IS INCAPACITATED. THE SPEAKER, AS PRESIDENT UNDER P.D. 1514, IS TO "IMMEDIATELY CONVENE OR CALL TO SESSION THE INTERIM BATASANG PAMBANSA WHICH SHALL ELECT A PRESIDENT AND PRIME MINISTER" FROM AMONG ITS MEMBERS. MANILA ASSEMBLYMAN AND FORMER SUPREME COURT CHIEF JUSTICE QUERUBE MAKALINTAL WAS ELECTED IBP SPEAKER ON JULY 31 (MANILA 12901 AND 13206); MARCOS HAS YET TO NAME ANY DEPUTY PRIME MINISTERS. UNDER THE DECREE, THE TERM OF THE ELECTED SUCCESSORS WILL EXPIRE WHEN THE INTERIM LEGISLATURE'S SUCCESSOR BODY, THE FULL NATIONAL ASSEMBLY, CONVENES. MARCOS WAS RESPONDING TO A WRITTEN QUESTION SUBMITTED BY OPPOSITION ASSEMBLYMAN REUBEN CANOY OF NORTHERN MINDANAO.

3. MARCOS WARNED THE IBP AGAINST PROPOSING NEW LEGISLATION OF ITS OWN ON THE SUCCESSION QUESTION, SAYING "THE PROCEDURES OUTLINED IN THE LATEST DECREE EMBODY THE CONSTITUTIONAL MANDATE. THEY CANNOT BE MODIFIED OR ALTERED BY ORDINARY LEGISLATION. THIS CAN ONLY BE DONE BY CONSTITUTIONAL AMENDMENT." HE ALSO EXPLAINED THAT THE COMBINED ROLE OF PRESIDENT/PRIME MINISTER PERTAINS ONLY TO HIMSELF UNDER THE 1976 CONSTITUTIONAL AMENDMENTS, AND THAT IN FUTURE THE TWO OFFICES WOULD HAVE TO BE HELD BY TWO PERSONS. HE ADDED THAT, ACCORDING TO THE CONSTITUTION, THE DEPUTY PRIME MINISTERS "SHALL HEAD A UNCLASSIFIED

UNCLASSIFIED

PAGE 03 MANILA 13457 040950Z

MINISTRY."

4. IN REPLY TO A QUESTION BY ASSEMBLYMAN AND FORMER VICE PRESIDENT EMMANUEL PELAEZ OF NORTHERN MINDANAO, MARCOS SAID THAT NEITHER HIS OWN DEATH OR DISABILITY NOR THE CONVENING OF A FULL NATIONAL ASSEMBLY (WHICH WOULD END THE CURRENT CONSTITUTIONAL TRANSITION PERIOD) WOULD AUTOMATICALLY IMPLY THE LIFTING OF MARTIAL LAW. THIS DECISION IS HIS ALONE TO MAKE UNDER THE CONSTITUTION; IF HE DIES OR IS DISABLED IT WOULD BE THE PREROGATIVE OF THE SUCCESSOR PRIME MINISTER. HE ADDED, HOWEVER, THAT HE COULD NOT SEE HOW THE COUNTRY COULD SHIFT TO A REGULAR PARLIAMENTARY SYSTEM WITHOUT FIRST LIFTING MARTIAL LAW.

5. AS BACKGROUND ON THE SUCCESSION ISSUE, MARCOS REPORTED THAT HE HAD ISSUED THREE PREVIOUS DECREES -- P.D. 100 OF JANUARY 17, 1975; P.D. 731 OF JUNE 7, 1975; AND P.D. 731-A OF JANUARY 15, 1976 -- ESTABLISHING A CARE-TAKER COMMITTEE TO RUN THE GOVERNMENT UNTIL A SUCCESSOR COULD BE CHOSEN. THESE DECREES ARE NO LONGER VALID, HE SAID. THE SEVEN-MEMBER CABINET COMMITTEE, HE SAID, CONSISTED OF SECRETARIES ABAD SANTOS (JUSTICE), ENRILE

(DEFENSE), VIRATA (FINANCE), ESTRELLA (AGRARIAN REFORM),
SICAT (ECONOMIC PLANNING), OPLE (LABOR), AND RONO (LOCAL
GOVERNMENT). ABAD SANTOS REPLACED EXECUTIVE SECRETARY
MELCHOR, WHO RESIGNED IN 1975, HE SAID. CONTRARY TO
SPECULATION, HE ADDED, HE HAD NEVER NAMED HIS WIFE,
IMELDA MARCOS, TO THE COMMITTEE.

6. EARLIER PRESS STORIES ON THE QUESTION PERIOD HAD
NOTED THAT QUESTIONS MUST BE SUBMITTED IN WRITING SEVERAL
DAYS IN ADVANCE. UNDER RULES ADOPTED AFTER THE DEADLINE
FOR QUESTIONS HAD PASSED, QUESTIONS WHICH "PERTAIN TO
SUB-JUDICE MATTERS," INTER ALIA, WERE NOT ALLOWED.
SEVERAL QUESTIONS ON THE LEGALITY OF MARTIAL LAW WERE
THUS REPORTEDLY DISALLOWED ON GROUNDS THAT A LONGSTANDING
UNCLASSIFIED

UNCLASSIFIED

PAGE 04 MANILA 13457 040950Z

LIBERAL PARTY PETITION ON MARTIAL LAW IS STILL PENDING
BEFORE THE SUPREME COURT.MURPHY

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